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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,014	07/24/2000	LOTHAR KUMPEL	21527	4353

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EXAMINER

HUYNH, LOUIS K

ART UNIT PAPER NUMBER

3721

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/601,014

Applicant(s)

KUMPEL, LOTHAR

Examiner

Louis K. Huynh

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-10 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7, line 14 & claim 13 line 13: "a respective local display device at each machine element" renders the claim indefinite because it is unclear whether one display device is used for displaying data at each machine element or a plurality of display devices each of which is connected to a respective machine element.

Claim 8, line 4: "the respective local display devices" lack proper antecedent basis because there is only one display device being set forth in independent claim 7.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3721

4. Claims 7-10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Denk et al. (US 4,554,777).

Denk discloses a cartooning machine (10) including: manually positionable machine element (20); respective position sensors (52) associated with the machine elements; a central memory (73); a central computer (74); a respective local switching unit (55); and a respective local display device (62). Regarding the limitation: "a respective local display device at each machine element" as recited in claims 7 and 13, the display device (62) becomes the respective local display device when connected to a machine element.

With respect to claim 8, the computer (74) calculates a direction in which the elements must be displayed and the display device (62) displays the calculated direction (column 4, lines 42-58).

With respect to claim 9, although not expressly disclosed, it is inherently understood that bus system is normally used for connecting the computer, the memory and other devices in the apparatus of Denk including the sensors (52) and the display device (62).

With respect to claim 10, Denk teaches that individual programs and data are stored in the memory (73) and on diskettes or similar data carriers (column 5, lines 1-4).

5. Claims 7-10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Georgitsis et al. (US 5,774,688).

Georgitsis discloses an apparatus having a plurality of adjusting mechanism (A-E), wherein each mechanism including a repositionable machine element, an actuator and a position sensor; a control apparatus (6) comprising a personal computer serving as input/output means for

Art Unit: 3721

the operator which inherently includes a memory storage device, wherein the control apparatus and the sensors are connected via a common data bus (column 3, lines 8-11); a hand-held terminal (1) serving as an operational instrument (column 3, lines 41-64); and a display device (3) for displaying operating parameters of a respective adjusting mechanism so that the operator adjusts the respective adjusting mechanism accordingly (column 3, lines 41-64). Regarding the limitation in the preamble of claims 7 and 13 that machine is for making folded boxes from blanks, it has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

With respect to claim 10, although Georgitsis does not expressly disclose that the computer and the memory are separate units, it is inherently understood that a personal computer includes a microprocessor, a memory storage device and at least one I/O device for communicating with a removable data storage device.

6. Alternatively, claims 7-10 and 13 are rejected under 35 U.S.C. 103(a) as obvious over Georgitsis et al. (US 5,774,688).

In the case a plurality of display devices are provided at each of the machine elements, Georgitsis discloses a prior art apparatus wherein display devices and means for inputting data are provided at the individual locations on the machine where the adjustments are to be made (column 1, line 63 – column 2, line 6). The prior art apparatus disclosed in the reference to Georgitsis meets all of applicant's claimed subject matter but lacks the specific teaching of the

Art Unit: 3721

position sensors, the memory, the computer, etc. However, the invention of Georgitsis is directed to the improvement upon the operation of an apparatus having adjusting mechanisms (A-E) and each mechanism includes a repositionable machine element, an actuator and a position sensor, a control apparatus (6) comprising a personal computer serving as input/output means for the operator which inherently includes a memory storage device, wherein the control apparatus and the sensors are connected via a common data bus (column 3, lines 8-11). Therefore, it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have modified the prior art apparatus disclosed in the Georgitsis reference by having provided an actuator and a position sensor for each of the repositionable machine elements, a control apparatus comprising a personal computer serving as input/output means which inherently includes memory storage devices, as taught by Georgitsis, so that the repositionable machine elements could be manually adjusted locally.

### ***Response to Arguments***

7. Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3721

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

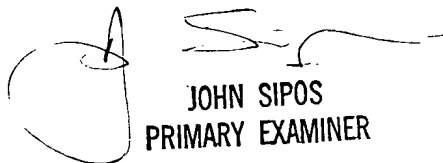
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694.

The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

LH  
June 11, 2003



JOHN SIPOS  
PRIMARY EXAMINER